

March 28, 2014

Office of the General Counsel  
Federal Elections Commission  
999 E. Street NW  
Washington, D.C. 20463

2014 APR 01 12:20 PM  
RE: MUR 6799, Complaint against Frank Scaturro for Congress  
(C00465054), Treasurer John F. Craven & Mr. Frank  
Scaturro  
CC

Dear Acting General Counsel:

In a March 25, 2014 correspondence regarding previous matters I brought to the Commission's attention concerning Frank Scaturro for Congress (C00465054), Committee Treasurer John F. Craven and Mr. Frank Scaturro, Mr. Jeff S. Jordan, Supervisory Attorney of the FEC Complaints Examination & Legal Administration division informed me that if I had "any additional information in this matter, please forward it to the Office of the General Counsel."

Kindly find enclosed additional campaign materials authorized and disseminated to the general public by the Frank Scaturro for Congress Committee (C00465054) that continues an unlawful pattern of conduct from the named respondents.

Based upon information and belief, set forth below and in the attached materials, I am filing this complaint seeking an immediate investigation by the Federal Election Commission ("FEC" or "Commission") into Frank Scaturro for Congress (C00465054), Committee Treasurer John F. Craven and Mr. Frank Scaturro for failure to adhere to proper FEC disclaimer specifications as codified in 11 CFR §110.11(c).

This section of Campaign Finance Rules specifically and unequivocally states that disclaimers on campaign communications "must [have] contained [a disclaimer] in a printed box set apart from the other contents of the communication." 11 CFR §110.11(c).

The enclosed campaign flyers and materials from Scaturro for Congress campaign (Exhibits "A," "B," "C," and "D") – have been physically and electronically distributed to the public, as well as posted on the Frank Scaturro for Congress website and social media outlets/pages (i.e. Facebook, Twitter, et al.) and seen by thousands of voters and other members of the public.

These further examples are additional proof to that which has already been submitted as part of MUR 6799: Mr. Frank Scaturro, an already twice failed candidate for federal office, his campaign committee and its treasurer – who have the expressed responsibility of approving and authorizing these communications, continue to ignore requirements found in the Federal Election Campaign Act of 1971, as amended.

#### LEGAL ANALYSIS

The attached flyers and campaign communications (Exhibits "A," "B," "C," and "D") from Frank Scaturro for Congress (C00465054), expressly advocates for the election of Mr. Scaturro to Congress. As such, they are required to contain a disclaimer printed in a certain way to conform to a section of Title 11 of the Code of Federal Regulations.

Instead of simply ignoring placement of disclaimers altogether on these materials, as the Scaturro for Congress Committee has done in the past (see previous submissions to FEC/MUR 6799 for complaints written on March 19, 2014 and March 24, 2014), this time the candidate, Campaign Committee and its treasurer have chosen to wholeheartedly ignore an expressly delineated requirement of federal law.

11 CFR §110.11(c)(2)(ii) reads that "[t]he disclaimer [on campaign communications] must be contained in a printed box set apart from the other contents of the communication."

As you can see in Exhibits "A," "B," "C," and "D," this mandatory requirement was not followed. Mr. Scaturro, his campaign committee that has authorized these mailings and the Committee's treasurer have thus violated this obligation as expressly written in the Federal Election Campaign Act of 1971, as amended, and disregarded federal law.

## CONCLUSION

It seems fairly certain that a single act or incident would not qualify as a pattern. However, the federal campaign violations having to do with improper disclaimers in more than just two incidents have established a pattern of conduct of Frank Scaturro for Congress (C00465054), Committee Treasurer John F. Craven and Mr. Frank Scaturro.

Either willfully violating federal campaign laws, or ignorance of them, is irresponsible. Mr. Scaturro, his Campaign Committee and its agents should be well-versed in requirements put forth by the Federal Election Campaign Act of 1971, as amended. Mr. Scaturro, who has sought federal office, albeit unsuccessfully, twice before - in two consecutive election cycles - has neither excuses nor basis to claim otherwise.

The public should not be complacent in federal candidates cutting corners of well-established and well-known federal campaign laws, including disclaimer requirements.

Accordingly, I respectfully request that the Federal Election Commission include these matters in its thorough investigation of Frank Scaturro for Congress (C00465054), Committee Treasurer John F. Craven and Mr. Frank Scaturro, on an expedited basis (MUR 6799) and enter into a prompt conciliation with the respondents to remedy the violations that are found and to ensure that these violations immediately cease and do not reoccur.

The above is correct and accurate to the best of my knowledge, information, and belief.

## **COMPLAINANT VERIFICATION**

I, AVI Z. FERTIG, am a registered voter in New York's 4<sup>th</sup> Congressional District and reside at Woodmere, NY 11598. I hereby verify and affirm that the statements made in the attached Complaint are, upon my belief, true.

AVI Z. FERTIG

DATE:  
3/28/14

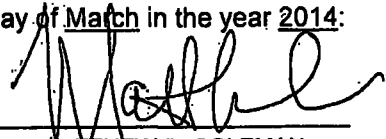
## **ACKNOWLEDGEMENT**

STATE OF NEW YORK )  
                                  SS.:  
COUNTY OF NASSAU )

On the 28<sup>th</sup> day of March in the year 2014 before me, the undersigned, personally appeared AVI Z. FERTIG, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual executed the instrument.

This having been signed and sworn to me on the 28<sup>th</sup> day of March in the year 2014:

DATE: March 28, 2014

  
MATTHEW R. COLEMAN  
Notary Public, State of New York  
No. 01CO6202263  
Qualified in Nassau County  
My term expires on March 16, 2017

# EXHIBIT "A"

***This is***



# **"Get Out the Petitions" Weekend!**

*Stop by our new location*

**Saturday & Sunday, March 22 & 23  
between 2 & 4 pm**



**393 Old Country Rd  
Carle Place, NY 11514**

use rear parking lot  
lower lobby - one flight down

**Pick up some petitions  
and  
Get walking for Frank!**

**KathieforScaturro@gmail.com (516) 732- 1080**

paid for by Frank Scaturro for Congress

# EXHIBIT "B"



*You are cordially invited to a cocktail reception for*

## Frank Scaturro

Republican & Conservative Candidate  
for NY Congressional District 4

Thursday, March 27th  
6 - 7:30 pm

The offices of Arent Fox  
1675 Broadway - 34th floor  
New York, NY

Guests: \$75 - Host Committee: \$250

Please RSVP by March 24th: (516) 732-1080  
or [KathieforScaturro@gmail.com](mailto:KathieforScaturro@gmail.com)

Donations can be made online at [FrankScaturro.com](http://FrankScaturro.com)  
Collected at the door (payable to Frank Scaturro for Congress),  
or mailed to 515 Herricks Rd, Suite 4, New Hyde Park, NY 11040.



Paid for by Frank Scaturro for Congress

# EXHIBIT "C"



# Tonight

*You are cordially invited to a cocktail reception for*

**Frank Scaturro**

Republican & Conservative Candidate  
for NY Congressional District 4

Thursday, March 27th  
6 - 7:30 pm

The offices of Arent Fox  
1675 Broadway - 34th floor  
New York, NY

Guests: \$75 - Host Committee: \$250

Please RSVP: (516) 732-1080  
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Collected at the door (payable to Frank Scaturro for Congress),  
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Paid for by Frank Scaturro for Congress



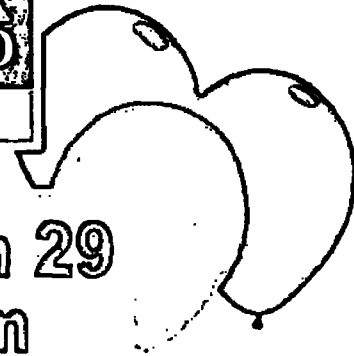
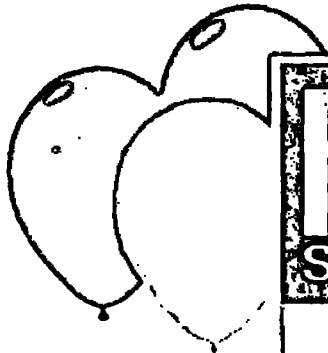
CONFIDENTIAL

# EXHIBIT "D"

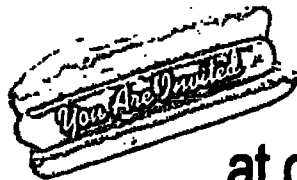
#FRANKLY  SPEAKING



# *It's time for an* **OPEN HOUSE**



**Saturday, March 29**  
**Noon to 4 pm**



*plus* Come enjoy a frank with Frank  
at our new campaign headquarters!  
*hors d'oeuvres, refreshments & refreshing conversation!*

**393 Old Country Road, Carle Place, NY 11514**

Use rear parking lot. Lower lobby - one flight down.

This event is **FREE** Hope you are too!

Questions? (516) 732-1080 or [KathieforScaturro@gmail.com](mailto:KathieforScaturro@gmail.com)

paid for by Frank Scaturro for Congress